

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7333

BILL NUMBER: SB 310

NOTE PREPARED: Jan 3, 2005

BILL AMENDED:

SUBJECT: Open Door Law Violations.

FIRST AUTHOR: Sen. Gard

BILL STATUS: As Introduced

FIRST SPONSOR:

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill provides that absent express statutory authorization, a member of a governing body who is not physically present at a meeting but communicates with board members during the meeting by telephone, computer, videoconferencing, or any other electronic means of communication may not participate or be considered to be present at the meeting.

The bill also provides that a series of gatherings by the governing body of a state or local government agency violates the Open Door Law if:

- (1) less than a quorum of members of the governing body attend each gathering;
- (2) the total number of members attending all gatherings constitutes at least a quorum of the governing body; and
- (3) the gatherings are held for the purpose of conducting official business.

Effective Date: July 1, 2005.

Explanation of State Expenditures: *Presence of Members:* This bill provides that absent express statutory authorization, a member of a governing body who is not physically present at a meeting but communicates with the board members during the meeting by telephone, computer, videoconferencing, or any other electronic means of communication may not participate or be considered to be present at the meeting. This provision will have no fiscal impact.

Public Access Counselor: Persons concerned with possible violations of the state's Open Door Law may ask the Public Access Counselor for an informal inquiry response or an advisory opinion prior to seeking remedy

in a court. Any additional administrative impact on the Counselor as a result of this provision could presumably be absorbed using existing resources.

All public agencies are subject to the state's Open Door Law.

Explanation of State Revenues:

Explanation of Local Expenditures: Local public agencies are also subject to the state's Open Door Law.

Explanation of Local Revenues:

State Agencies Affected: All; Public Access Counselor.

Local Agencies Affected: All.

Information Sources:

Fiscal Analyst: Adam Brown, 317-232-9854.